

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARK KUSHNEIR,

Plaintiff,

-against-

JOSEPH ESPOSITO, *et al.*,

Defendants.

[PROPOSED] ORDER

14-cv-09148(JLR)(BCM)

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WHEREAS, MARK KUSHNEIR, Plaintiff, initiated the instant action on November 17, 2014, alleging violations of his constitutional rights and other causes of action stemming from actions of Defendants, their agents, servants and/or employees in the arrest and subsequent prosecution of Plaintiff beginning on November 17, 2011; and

WHEREAS, Defendant JOSEPH ESPOSITO died on January 8, 2024, after the instant action was commenced; and

WHEREAS, Plaintiff requires an original death certificate in order to determine whether Defendant Esposito had executed a will and placed such will for safekeeping with a Surrogate's Court, or whether a petition for letters of administration has been filed on the behalf of his estate, and, if neither, to request that the Public Administrator be appointed to defend the claims in this case against him; it is hereby

ORDERED that the City of New York and any of its agencies or representatives, including the New York City Department of Health and Mental Hygiene, and the State of New York, and any of its agencies or representatives, including the Department of Health and Vital Records, produce the original death certificate of Defendant JOSEPH ESPOSITO to any attorney or authorized representative of Gideon Orion Oliver or Cohen Green P.L.L.C.

Dated: New York, New York
March __, 2024

Hon. Jennifer L. Rochon